

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

NATIONAL OILWELL VARCO, L.P.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-24-1258-D
	)	
BLACK DIAMOND OILFIELD	)	
RENTALS, LLC, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Before the Court is the parties’ Joint Motion to Strike Scheduling Order [Doc. No. 78] and Plaintiff’s Motion for Leave to File Third Amended Complaint [Doc. No. 70]. The parties represent that striking the Scheduling Order [Doc. No. 64] would alleviate Defendants’ concerns associated with Plaintiff’s request to file a third amended complaint, and Plaintiff’s motion for leave is now unopposed.

In Plaintiff’s Motion for Leave to File Third Amended Complaint [Doc. No. 70], Plaintiff seeks to add new claims against Defendants and to add three additional defendants (two engineering firms and a former employee of Plaintiff). Plaintiff asserts that recent document production has revealed evidence of trade secret misappropriation involving additional actors, whose involvement was previously unknown to, and concealed from, Plaintiff.

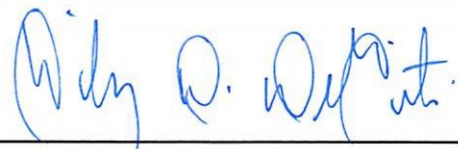
FED. R. CIV. P. 15(a)(2) provides that leave to amend should be freely given “when justice so requires.” Generally, denying leave to amend is justified only “upon a showing of undue delay, undue prejudice to the opposing party, bad faith or dilatory motive, failure

to cure deficiencies by amendments previously allowed, or futility of amendment.” *Frank v. U.S. West, Inc.*, 3 F.3d 1357, 1365 (10th Cir. 1993). “After a scheduling order deadline, a party seeking leave to amend must demonstrate (1) good cause for seeking modification under FED. R. CIV. P. 16(b)(4) and (2) satisfaction of the Rule 15(a) standard.” *Gorsuch, Ltd., B.C. v. Wells Fargo Nat’l Bank Ass’n*, 771 F.3d 1230, 1240 (10th Cir. 2014). Rule 16(b) “requires the movant to show the scheduling deadlines cannot be met despite the movant’s diligent efforts.” *Gorsuch*, 771 F.3d at 1240 (quotations omitted).

Upon consideration under this standard, and for good cause shown, Plaintiff’s unopposed Motion for Leave to File Third Amended Complaint [Doc. No. 70] is **GRANTED**. Plaintiff shall file its third amended complaint on or before August 4, 2025. Defendants shall answer or otherwise respond to the third amended complaint within 21 days of service.

**IT IS FURTHER ORDERED** that the parties’ Joint Motion to Strike Scheduling Order [Doc. No. 78] is **GRANTED**, and the Scheduling Order [Doc. No. 64] is **STRICKEN**.

**IT IS SO ORDERED** this 31<sup>st</sup> day of July, 2025.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge

